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SENATE

REPORT
101-485

CHEHALIS RIVER BASIN FISHERY RESOURCES STUDY AND RESTORATION ACT OF 1990

OCTOBER 1 (legislative day, SEPTEMBER 10), 1990.—Ordered to be printed

Mr. BURDICK, from the Committee on Environment and Public Works, submitted the following

REPORT

[To accompany H.R. 3787]

The Committee on Environment and Public Works to which was referred the Act (H.R. 3787) to authorize a joint Federal, State, and Tribal study for the restoration of the fishery resources of the Chehalis River Basin, Washington, and for other purposes having considered the same, reports favorably thereon without amendment and recommends that the Act do pass.

GENERAL STATEMENT

The legislation authorizes a joint Federal, State, and Tribal study for the restoration of the fishery resources of the Chehalis River Basin in the State of Washington.

PURPOSE AND BACKGROUND

The Chehalis River Basin consists of nearly 1,400 rivers and streams. Historically, it produced large runs of anadromous fish that supported commercial, recreational, and tribal fisheries within the Basin and off the coasts of Washington, Alaska, and Canada. The salmon and steelhead trout fisheries are the economic mainstays of many of the communities along the northwest Pacific Coast.

Since 1935, water quality degradation, sedimentation of spawning areas, reduced stream flows, and reduced spawning escapements have resulted in declines of more than 50 percent in the populations of these fishery resources. These declines have adversely af-

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fected commercial fishing. Tourism, which depends in large part on sport fishing, also has been harmed.

Federal, State, and local studies have identified the factors responsible for the decline in the fishery stocks in the Chehalis River Basin, but there has been no comprehensive study conducted to identify means of arresting or reversing this decline. H.R. 3787 would mandate a broad, comprehensive analysis of fishery resources and habitats that build on the previous studies to develop an integrated approach for restoring the Basin's fisheries.

The bill requires the Director of the U.S Fish and Wildlife Service, in consultation with representatives from the State of Washington and local Indian tribes, to carry out a two-year study of the fishery resources and habitats of the Chehalis River Basin. On the basis of this study, the Director is required to establish long- and short-term goals for the conservation and restoration of these resources and habitats. Within two years of the enactment of this Act, the Director is required to report to Congress on the study and present an action plan for achieving the goals identified therein.

SECTION-BY-SECTION ANALYSIS

Section 1. Short title

This section cites the short title of the bill as the "Chehalis River Basin Fishery Resources Study and Restoration Act of 1990".

Section 2. Findings and purpose

Section 2 states the findings and purposes of the legislation. The purposes of the Act are (1) to require a comprehensive study of the cause of the decline of fishery resources originating in the Chehalis River Basin; (2) to develop recommendations for a program to address the cause of those declines; and (3) to restore those fishery resources in a reasonable period of time.

Three principal findings are presented by the bill. First, the Chehalis River Basin historically produced large runs of anadromous and resident fish that support important commercial, recreational, and tribal fisheries both in the basin and off the coast. Second, the decline in productivity of fish stocks in the Basin is thought to result from water quality degradation, sedimentation of spawning gravel, reduced stream flows, and reduced spawning escapements. Third, the Federal Government has a substantial interest in the fishery resources of the Basin because important interjurisdictional (including international) and tribal fisheries are involved and several federally constructed, permitted, and licensed water projects are located in the Basin.

Section 3. Joint Federal, State, and tribal study and recommendations

Section 3 of the bill authorizes a joint Federal, State, and Tribal study and recommendations. The Director of the Fish and Wildlife Service is required to undertake a comprehensive study of the fishery resources and habitats of the Basin, to develop goals, and to recommend short and long term actions necessary for achieving those goals. In carrying out the study, the Director is required to invite the heads of the Departments of Fisheries, Wildlife, and

Ecology of the State of Washington to participate jointly in the study. The responsibilities of the Quinault Indian Nation, the Chehalis Tribe, and the State of Washington are to be defined by a memorandum of understanding entered into by those entities with the Fish and Wildlife Service. The Director is charged with the ultimate responsibility for conducting the study and preparing recommendations. In carrying out this duty, the Director is expected to use fully the expertise and abilities of the participants, as well as the advice obtained through consultations with representatives of the entities listed in subsection 3(c) of the bill.

The assistance of the State and Indian tribes is very important to the success of the legislation. The tribal governments in western Washington have made great strides in their mutually supportive efforts to protect, manage, and enhance the region's anadromous salmon fisheries resources. The cooperation between the tribes and the State has evolved into a working model of possible accomplishments when entities join to achieve common objectives. Implementation of H.R. 3787 is intended to strengthen this tribal-State fisheries management relationship to improve the habitat for fisheries in the Chehalis River Basin.

Section 4. Study Contents

Section 4 sets forth the requirements of the study and directs the Fish and Wildlife Service to utilize ongoing watershed planning research and efforts to identify fishery resource problems in the Basin. The study is required to include (1) a description of the Basin; (2) an historical account of fishery resources and habitats of the Basin; (3) a comprehensive description of the fishery resources and habitats of the Basin; (4) an analysis of land use effects on the fishery resources and habitats; (5) a review of past and ongoing research on the decline of Chehalis Basin fishery resources and the results of previous attempts to address these declines; (6) a discussion of the Federal, State, tribal, and local programs that pertain to the conservation and restoration of the fishery resources and the habitats of the Basin; and (7) a comprehensive statement of fishery resources restoration goals and objectives for fish originating in the Basin and the remedial actions and programs necessary to achieve those goals. This report is due two years from the date of enactment of the legislation.

Section 5. Cost Sharing

Section 5 identifies the cost sharing requirements for the study. The State of Washington is prohibited from participating in the study unless the Director of the Fish and Wildlife Service is satisfied that the non-Federal and non-tribal praticipants in the study will pay in the aggregate at least one-sixth of the cost of the study. This payment may be made in cash or services, or other in-kind contributions, including the time of State employees and local citizens not funded from Federal sources. The Director shall develop and publish guidelines identifying what constitute in-kind contributions.

Section 6. Definitions

Section 6 defines the terms "Basin", "Director", and "fishery resources". The term "Basin" is defined to mean the Chehalis River Basin in the State of Washington, including the Chehalis River in southwestern Washington and its drainage basin as well as Grays Harbor and the remainder of its drainage basin.

The term "Director", as defined by this section, means the Director of the U.S. Fish and Wildlife Service, acting for the Secretary of the Interior.

The term "fishery resources" means any stock or species of fish, or any fish habitat.

Section 7. Authorization of Appropriations

Section 7 authorizes appropriations of up to $2.5 million to carry out the legislation. The amounts appropriated are to remain available until expended. One fifth of any amounts appropriated under this authority are required to be made available by the Director of the Fish and Wildlife Service to the Director of the Chehalis Tribe and the Quinault Indian Nation to carry out their responsibilities under the memorandum of understanding to be developed pursuant to section 3(b)(2).

HEARINGS

H.R. 3738 was referred to the Committee on August 4, 1990. No hearing was held on the legislation.

ROLLCALL VOTES

Section 7(b) of rule XXVI of the Standing Rules of the Senate and the rules of the Committee on Environment and Public Works require that any rollcall votes taken during consideration of this bill be announced in this report. The bill was ordered reported on September 25, 1990, by unanimous voice vote.

COST OF LEGISLATION

The Director of the Congressional Budget Office furnished the following report to the Committee on Merchant Marine and Fisheries in the House of Representatives:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, September 28, 1990.

Hon. QUENTIN N. BURDICK,
Chairman, Committee on Environment and Public Works, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has reviewed H.R. 3787, the Chehalis River Basin Fishery Resources Study and Restoration Act of 1990, as ordered reported by the Senate Committee on Environment and Public Works, September 25, 1990. CBO estimates that the implementation of this act would cost the federal government $2.5 million over fiscal years 1991 and 1992, assuming appropriation of the authorized amount.

H.R. 3787 would direct the U.S. Fish and Wildlife Service to conduct a comprehensive study of the fishery resources and habitats in

Washington's Chehalis River. The act would establish rules governing the participation of state and tribal authorities in the study, including a requirement that the state contribute one-sixth of the study's costs in cash or other resources. Appropriations of $2.5 million would be authorized for the study, one-fifth of which would be made available to participating Indian tribes.

In order for the State of Washington to participate in the study, nonfederal and nontribal participants would have to provide about $500,000 in cash, services, or in-kind contributions. No other costs would be incurred by state or local governments as a result of this legislation's enactment.

On June 4, 1990, CBO prepared a cost estimate for H.R. 3787, as ordered reported by the House Committee on Merchant Marine and Fisheries on May 23, 1990. The two versions of the bill and their estimated costs are identical.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Deborah Reis, who can be reached at 226–2860.

Sincerely,

ROBERT D. REISCHAUER,
Director.

DEPARTMENTAL REPORTS

No departmental reports were received for H.R. 3787.

CHANGES IN EXISTING LAW

If enacted, this bill would make no changes to existing law.

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